BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Monday, June 15, 2020, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

> Captain E. Waightstill Avery I. Vincent Behm, Jr Captain Robert H. Callis, III Captain J.W. Whiting Chisman, III Michael W. Coleman Captain January N. Collins Thomas P. Host, III Patrick B. McDermott Christine N. Piersall

Staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director Tanya M. Pettus, Administrative Assistant

Mary Broz-Vaughan, Director, was not present with regrets.

Elizabeth Peay from the office of the Attorney General was present.

Members of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black Captain Frank Rabena, Vice-President, Virginia Pilot Association

Ms. Piersall, President, called the meeting to order at 10:55 a.m.

Call to Order

Ms. Nosbisch advised the Board that Mary Broz-Vaughan would be late or possibly absent from the meeting due to unforeseen circumstances.

William Burket, Jr. of the Virginia Port Authority advised the Board of the Safety emergency evacuation procedure.

Evacuation Instructions

Ms. Nosbisch welcomed to the Board newly appointed Board Member Captain Welcome New January Collins. Board members and staff introduced themselves to Captain Collins.

Board Member-Captain January **Collins**

Mr. Host moved to approve the agenda as presented. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains:

Approval of Agenda

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Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Avery moved to approve the minutes from the March 13, 2020, Board meeting contingent upon the correction of two typographical errors. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Approval of Minutes

There were no public comments.

Public Comment Period

Ms. Nosbisch introduced Mark Coberly, counsel to the Virginia Pilot Association (VPA), and Captain Frank Rabena who were both present to observe the meeting.

Captain Chisman shared with the Board the VPA leadership team announced for 2020. Captain Chisman has been named President, Captain Rabena has been named Vice-President, and Captain Avery will serve as the Treasurer. Captain Chisman advised that there is one new VPA Board member, Captain Jacob Johnson, who will serve in the seat vacated by Captain Rabena.

VPA Announces 2020 Leadership Team

Ms. Nosbisch opened the floor for nominations for Board Vice-President. Mr. McDermott moved to nominate Captain Chisman. Mr. Host seconded the motion. There being no other nominations, Mr. Behm moved to close the nominations. Captain Avery seconded the motion. The motions were approved by: Avery, Behm, Callis, Coleman, Collins, Host, McDermott, and Piersall. Captain Chisman abstained. By acclamation, Captain Chisman was named Board Vice-President

Vice-President Election

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on June 15, 2020. The following report was made:

Exam Administrator's Report

Ryan Robert Nienstedt answered oral questions related to the raise in grade. The subjects included the new Cape Charles Anchorage, the new Quarantine Anchorage, safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, Post Panamax Containership guidelines, issues regarding deep draft transits, windage calculations, adequate tugboat assistance, traffic management, under-keel clearance and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Ryan Robert Nienstedt be raised in grade from a Golf classification (75,000 gross tons and 44 feet maximum draft) to a Hotel classification (91,000 gross tons and 47 feet maximum draft). Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains:

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Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Timothy Delaney Oksman answered oral questions related to the raise in grade. The subjects included the new Cape Charles Anchorage, the new Quarantine Anchorage, safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, Post Panamax Containership guidelines, issues regarding deep draft transits, windage calculations, adequate tugboat assistance, traffic management, under-keel clearance and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Timothy Delaney Oksman be raised in grade from a Golf classification (75,000 gross tons and 44 feet maximum draft) to a Hotel classification (91,000 gross tons and 47 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Richard Austin Lyons answered oral questions related to the raise in grade. The subjects included the new Cape Charles Anchorage, the new Quarantine Anchorage, safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, anchoring deep draft vessels, Post Panamax Containership guidelines, issues regarding deep draft transits, windage calculations, adequate tugboat assistance, traffic management, under-keel clearance and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Richard Austin Lyons be raised in grade from a Golf classification (75,000 gross tons and 44 feet maximum draft) to a Hotel classification (91,000 gross tons and 47 feet maximum draft). Mr. McDermottt seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Captain Chisman asked the Board to consider approving Apprentice Zach Dodson to sit for his initial pilot's license exam, and if successful, be approved for his initial license on schedule on September 15, 2020, though he has not been able to complete man model training in Warsash, England. The training was scheduled for April but was postponed due to COVID-19. The training is now scheduled to begin on September 28, 2020. Mr. McDermott moved to allow Apprentice Dodson to sit for his initial pilot's exam, and if appropriate, be approved on September 15, 2020. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Dodson Initial License Examination (9/14/20)

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Discussion was held on the training challenges that have occurred in light of COVID-19.

Mr. Coleman recused himself from the meeting for the Board decision and vote Recusal of Board on the incident involving the M/V Jing Jin Hai.

The Board reviewed a letter from Captain Charles I. Boggs, Jr., providing information on an occurrence involving the M/V Jing Jin Hai.

On Sunday, March 8th 2020, Captain Boggs was ordered to M/V Jing Jin Hai for 1345 hrs. to sail from DTA coal pier in Newport News. The weather was clear and the winds were light, 5-10 from the SW. The current was near maximum ebb. The Jing Jin Hai was loaded with a draft of 47' 06". Docking Master Kevin Eley used 3 McAllister tugs for the undocking, which occurred without any apparent difficulty. After the Jing Jin Hai was in the stream, the conn was turned over to Captain Boggs to take the vessel outbound.

After Captain Eley had left the navigation bridge and was walking towards the pilot ladder, the Master of the Jing Jin Hai asked Captain Boggs if he had felt the tug land hard on the port quarter during the undocking maneuver. Captain Boggs responded to the Master that if he had an issue with the tugs to ask Docking Master Kevin Eley before he leaves the vessel. Captain Boggs told the Master that he needed to concentrate his efforts on piloting the vessel. At the time they were meeting an inbound Cape Class approaching the turn into Newport News Channel at the the [sic] Monitor Merrimac Bridge tunnel and Captain Boggs was maneuvering the deeply loaded Jing Jin Hai at low speed with a following max current at a low speed. Captain Boggs does not know if anyone spoke to Captain Eley before he departed, but he did not return to the bridge. He departed on the Steven McAllister which then approached the port quarter of the Jing Jin Hai and appeared to inspect for any visual damage. At the Master's request, Captain Boggs called Steven McAllister on the radio and Captain Eley told Captain Boggs he took some pictures and would send them to Captain Boggs' phone so he could show the Master after Captain Eley docked the inbound Cape Class at Pier IX.

About an hour later Captain Boggs received a phone call from Captain Eley and he said he had decided not to send the pies [sic], but he would describe the affected area and that Captain Boggs could pass that information to the Master. Captain Eley's best guess from his view from the Steven McAllister was the dent was 12"-16" square with a depth of 2-3". Captain Boggs passed this information to the Master. The Master had already launched his own investigation, and because of the low freeboard of the loaded Jing Jin Hai, was able to get some very accurate pictures, and using a straight piece of bamboo with a ruler it showed the damage was 1/2 meter square with a maximum depth of 3 cm. He seemed content with his pictures showing minimal damage, appeared to be documenting his findings. There was no further discussion about it.

Member

Review of **Notification** Letter-Captain Charles I. Boggs, Jr., M/V Jing Jin Hai

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Captain Boggs departed the navigation bridge at 1635 and the Master shook his hand thanking him for his assistance in the outbound voyage.

After review and discussion, Captain Avery moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes and this letter was informational in nature. Mr. Host seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Collins, Host, McDermott, and Piersall.

Mr. Coleman returned to the meeting.

Mr. Host recused himself from the meeting for the Board decision and vote on Recusal of Board the incident involving the BBC KIBO.

The Board reviewed a letter from Captain Herbert R. Green, III, providing information on an occurrence involving the BBC KIBO. Captain Chisman advised the Board the notification was provided for informational purposes, as the vessel landed flat and appropriately, and there was no damage done during its docking maneuver, though a pier security guard reported hearing a "creaking noise" as the vessel docked. Mr. Coberly advised the Board that the pier owner intended to file a claim for damages, but after further talks, the pier owner stated the pier already had existing damage that could have contributed to the creaking noise. The ship owner and Captain Green agreed there was no new damage.

Captain Green submits this letter as a precaution as a result of hearing that Lambert's Point Docks intends to submit a claim for dock damage against a vessel he was piloting. Captain Green does not believe any damage occurred during that maneuver but submits this letter at this time to be sure this is reported within 7 days.

On May 31, 2020, Captain Green boarded the BBC KIBO at Cape Henry bound for the south side of Pier P, Lambert's Point Docks. The Captain and Green had a master/pilot exchange and confirmed that everything was in good working order. The Captain explained to Green that the bow thruster of the ship was approximately 500 hp and that the variable pitch propeller of his vessel had the effect of a right handed propeller meaning she would back to port when going astern. The ship was also equipped with a becker rudder. Captain Green then came up to speed and called the Intercoastal tugs KODIAK (800hp) and SOUTHERN STAR (2200hp) to inform them of the ETA to Lambert's Bend. Captain Green took note to watch them on the AIS to see that they were in route and would be available. Captain Green calculated that the conditions upon arrival at the pier would be suitable for docking with the available tug boats and that they would have an approximate wind of about 15 kts out of the North with a slight flood current of about 0.3 kts. They were ordered to dock on the south side of Pier P stern in starboard

Return of Board Member

Member

Review of **Notification** Letter-Captain Herbert R. Green, III, BBC **KIBO**

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side to, and thus, would be backing into the berth. Based off of the piers heading Captain Green calculated that they would essentially be backing into the wind and that the flood current would be setting the ship to the south while in the channel, and away from the pier as they entered the berth.

Captain Green made the KODIAK fast on the port bow and the SOUTHERN STAR fast on the port quarter of the ship. The draft of the ship was 20 feet and she was trimmed to about 16 feet forward. Captain Green slowed the ship to about one knot off of the end of the pier and started backing the ship into the berth while thrusting the bow to starboard to get a good angle of approach to the south side of the pier. Once Captain Green achieved this safe angle of approach he continued backing the ship alongside the pier holding the stern off approximately 100 ft. while the bow was about 175 ft. off. Once they entered the south slip at Pier P Captain Green ordered the KODIAK to come ahead half pushing the bow closer to the pier and ordered the SOUTHERN STAR ahead easy to hold the stern's position off of the pier. At this point, they had a speed of approximately 1.5 kts astern. Captain Green was on the starboard bridge wing at this point with the Captain.

After approximately 25 minutes of slowly backing into the slip they were close to being in position and the bow had begun to fall closer to the pier. Captain Green was closely watching the angle of approach of the ship at this point and only giving commands to hold the ship even with the pier heading so as to land the ship flatly alongside. Captain Green then thrusted the bow full to port and had the SOUTHERN STAR stop and back easy to ensure a flat landing onto the pier. They landed flatly against the pier and heard the usual cracking noise of the old and poorly maintained wood fendering as it took the weight of the ship. The ship was then moored. The Captain had his crew inspect the dock visually and everyone was in agreement that there was no damage to the pier or the ship. Captain Green then thanked the Captain and asked that he let the tugs go. No one from the pier made any mention of any damage while they were putting out lines. Captain Green was speaking with them and directing them from the bridge wing of the ship from 50 feet above. Captain Green then left the bridge and departed.

After review and discussion, Mr. McDermott moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes and this letter was informational in nature. Mr. Coleman seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Mr. Host returned to the meeting.

Return of Board Member

The Board reviewed a letter from the American Pilots' Association (APA) to state pilotage authorities addressing accommodation ladder-pilot combinations and pilot safety. The letter reminds pilots that they may refuse to use a transfer

APA Request-Pilot Ladder Safety Board for Branch Pilots Meeting Minutes June 15, 2020 Page 7 of 8

arrangement that he or she reasonably believes is unsafe, and asks pilot users and others in the maritime community to urge ships to come into compliance with current IMO standards.

The Board reviewed a letter from former Board Member Captain J. William Letter from Cofer for informational purposes. Captain Cofer asks that the Board be Captain Cofer reminded of its role in investigations of incidents and stresses the importance of expert assistance in investigations.

Discussion was held on the lack of a definition of negligence in the Board's regulations, and the obligation of branch pilots to adhere to standards of conduct set forth in the U.S. Code and federal regulations, as well as U.S Coast Guard Navigation and Vessel Inspection Circulars and other maritime laws and standards. After discussion, the Board agreed by consensus that Ms. Piersall would form a committee to review 18VAC 45-20-40 of the Board's regulations. Ms. Piersall asked Board members to contact her if they are interested in serving on the committee.

Discussion was held on the ability of the Board to hire professionals to serve as investigators or professional witnesses should the need arise due to a catastrophic incident. Ms. Nosbisch advised the Board that DPOR Director Ms. Broz-Vaughan has stated that such professionals would have to be kept on retainer. After discussion, Captain Chisman agreed to gather a list of such professionals for review and further discussion at the September Board meeting.

Ms. Nosbisch presented the Board with meeting dates for 2021 into 2022.

Mr. Coleman moved to approve the following meeting dates:

- March 15, 2021, Virginia Port Authority Board Room
- June 15, 2021, Virginia Port Authority Board Room
- September 14, 2021, Virginia Port Authority Board Room
- December 17, 2021, Waterside Conference Room
- March 15, 2022, Virginia Port Authority Board Room

Mr. Host seconded the motion which was unanimously approved by: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Ms. Nosbisch stated the financial statements were provided for informational purposes.

Financial **Statements**

Mr. Behm moved that the Board officially recognize and support the APA's position on accommodation ladder-pilot combinations and pilot safety as reviewed and discussed earlier in the meeting. Mr. Coleman seconded the motion which was unanimously approved by: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Other Business

2021 Meeting Schedule

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Captain Chisman informed the Board that Branch Pilots completed an ECDIS for February 2020 conducted by the Maritime Pilots Institute. Captain Chisman als the Board approve a 4 day 20,000 TEU Simulator/Manned Model class to be confuritime Pilots Institute in Covington, LA in 2021 and a Bridge Resource Manaconducted by MPI in 2022. After discussion, Mr. Behm moved to approve the continuing education in 2021 and 2022. Mr. Host seconded the motion which u approved by: Avery, Behm, Callis, Collins, McDermott and Piersall.

Captain Chisman advised the Board of the pilot community's ongoing work with the CDC, Virginia Department of Health, and federal authorities in light of COVID-19. Captain Chisman advised that work began on policies and procedures implemented to protect pilots on February 4, 2020, when a task force met with the intention of mitigating the risks of COVID-19.

Capt. Chisman reported to the Board the retirement of Captain Thomas D. Rutter who served as Branch Pilot for nearly 40 years.

Conflict of Interest forms and travel vouchers were completed by all members present.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting was adjourned at 12:14 p.m.

<u>Adjourn</u>

Christine Piersall, President

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Mary Broz-Vaughan, Secretary

1.	Name:	E. Waightsill Avery	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
Nature of Personal Interest Affected by Transaction:			
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	I am able to participate in this transaction fairly, objectively, and in the public interest. or I did not participate in the transaction.		
	•		
6. <i>(</i>	I do not have a	personal interest in any transactions taken at this meeting. 6/15/2020 Date	

1.	Name:	I. Vincent Behm, Jr.	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
5	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	I am able to participate in this transaction fairly, objectively, and in the public interest. or		
	☐ I did not particip	ate in the transaction.	
6.	I do not have a	personal interest in any transactions taken at this meeting. 15-20 Date	

1.	Name:	Robert H. Callis, III	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5. I have a personal interest in the following transaction: Nature of Personal Interest Affected by Transaction:		erest in the following transaction:	
		nterest Affected by Transaction:	
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	am able to participate in this transaction fairly, objectively, and in the public interest.		
	Or Ldid not particin	ate in the transaction.	
_			
6.	I do not have a	personal interest in any transactions taken at this meeting.	
	11 1 1 1 1 1	6/15/20	

1.	Name:	J. W. Whiting Chisman III	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	or	ticipate in this transaction fairly, objectively, and in the ate in the transaction.	
6.	I do not have a	personal interest in any transactions taken at this meeting. O 15-20 Date	

1.	Name:	Michael W. Coleman		
2.	Title:	Board Member		
3.	Agency:	Board for Branch Pilots		
4.	Meeting/IFF Date:	Board Meeting June 15, 2020		
5.	I have a personal interest in the following transaction: M/V Jing Hin Hai / Cft. Charles 1. Bogss Ja.			
	My company	nterest Affected by Transaction:		
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:			
	I am able to pa public interest.	ticipate in this transaction fairly, objectively, and in the		
	I did not partici	pate in the transaction.		
6.	☐ I do not have a	personal interest in any transactions taken at this meeting.		
	Signature	Date		

1.	Name:	January N. Collins	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	am able to participate in this transaction fairly, objectively, and in the public interest.		
	_	ate in the transaction.	
6.		personal interest in any transactions taken at this meeting. 6/15 / 2020 Date	

1.	Name:	Thomas P. Host, III	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	I am able to participate in this transaction fairly, objectively, and in the public interest. or I did not participate in the transaction.		
3 .	I do not have a	personal interest in any transactions taken at this meeting. Low Date	

1.	Name:	Patrick B. McDermott	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	I am able to parpublic interest.	rticipate in this transaction fairly, objectively, and in the	
	☐ I did not particip	pate in the transaction.	
3 .	I do not have a	personal interest in any transactions taken at this meeting. 6/15/2020 Date	

1.	Name:	Christine N. Piersall	
2.	Title:	Board Member	
3.	Agency:	Board for Branch Pilots	
4.	Meeting/IFF Date:	Board Meeting June 15, 2020	
5.	I have a personal interest in the following transaction:		
Nature of Personal Interest Affected by Transaction:		nterest Affected by Transaction:	
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:		
	am able to par public interest.	ticipate in this transaction fairly, objectively, and in the	
	☐ I did not particip	ate in the transaction.	
6.	I do not have a Omnsere Crue Signature	personal interest in any transactions taken at this meeting. Output Date	